THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.24848; 24850; 24855; & 24862 of 2007

DATED: 30-11-2007

Thiruveedi Ankamma & others.

...PETITIONERS

AND

The District Collector,
Nellore District & 2 others.

...RESPONDENTS

COMMON ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. In all the Writ Petitions similar questions are involved. As such, they are being disposed of by a common order.

3. Petitioner in W.P.No.24848 of 2007 was assigned the land admeasuring Ac.4.49 cents in Sy.No.177-2 vide F.No.74/1413/04, dated 08-02-2004; petitioner in W.P.No.24850 of 2007 was assigned the land admeasuring Ac.4.83 cents in Sy.No.357-3 vide T.D.No.128/94, dated
23-05-1985; petitioner in W.P.No.24855 of 2007 was assigned the land admeasuring Ac.1.50 in Sy.No.184P vide T.D.No.20/94, dated 23-05-1985; and petitioner in W.P.No.24862 of 2007 was assigned the land admeasuring Ac.4.00 in Sy.No.360-2 vide T.D.No.65/94, dated 23-05-1985, situated in Gollapalli village, Yerramreddipalli mandal, Nellore District, by the 3rd respondent-Tahsildar-Mandal Revenue Officer, Yerramreddipalli mandal.

3. It is stated that petitioners are landless poor and they are entitled for assignment of the said lands. While so, the 3rd respondent submitted a report to the 1st respondent-District Collector, Nellore in Rc.B.262/2007, dated –09-2007, stating that one Sandireddy Malakondaiah, working as Village Revenue Officer of Yerramreddipalli, got the assignment of the land in his name as

well as in the name of his close relations situated in various survey numbers of Yerramreddipalli mandal, Nellore District. It is further stated that the said Malakondaiah, r/o Yerramreddipalli while working as Village Revenue Officer occupied an extent of Ac.49.00 and the Village Servant also occupied an extent of Ac.36.00 and in the said village there are several landless poor persons seeking assignment of the Government land and who are entitled for assignment, but the said Village Revenue Officer and the Village Servant got the lands assigned in their favour and in favour of their kith and kin. Accordingly, a report was submitted stating that the said Malakondaiah obtained assignment of the land of an extent of Ac.37.70 cents in his name and in the names of his close relations, and the Village Servant-Yaraguntla Chinnaiah also got an extent of
Ac.14.68 cents assigned in favour of his wife and close relations and they have got the assignments in the name of certain neighbouring villagers ignoring the claims of the said village.

4. It is stated that the said 3rd respondent-Tahsildar, Varikuntapadu mandal submitted detailed report to the District Collector to take appropriate action for cancelling the assignment pattas in their favour, who are not entitled for assignment, and to see that the said lands are assigned in favour of the landless poor, particularly, in favour of Scheduled Castes, Scheduled Tribes, and downtrodden people.

5. The only grievance of the petitioners is that even if there is any illegality in assignment of the said land without following due process of law and without the said assignment, they cannot be dispossessed. It is further stated that in the similar facts and circumstances, this Court disposed of W.P.Nos.24491; 24494; and

24496 of 2007, by order, dated 20-11-2007, observing as follows:

> "I am of the opinion that if there is any fraud in assigning the lands in question in favour of the petitioners, without assigning the same in favour of the eligible Scheduled Casts and Scheduled Tribes and other landless poor persons, it is always open for the Revenue Authorities to take appropriate action for cancellation of the assignments made in favour of the petitioners, so as to assign the same in faovur of the eligible Scheduled Casts and Scheduled Tribes and other landless poor persons. But however, I am of the opinion that without cancelling the D.K.T. pattas granted in favour of the petitioners, the possession of the petitioners cannot be interfered with".

In view of the facts and circumstances, Writ Petitions are disposed of directing the respondents to take immediate action in accordance with law for cancellation of the assignment pattas if the petitioners are not entitled for assignment of the land and if the said allegations are found to be true and correct after giving notice to the petitioners and till the appropriate orders are passed in accordance with law, *status quo*, obtaining as on today, with regard to possession of the land shall be maintained. There shall be no order as to costs.

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V. ESWARAIAH, J

30th November, 2007.
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